

REMARKS

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-76 are indicated as pending in the subject application, however, claim 32 was previously canceled by Applicants. As such, claim 32 is not being addressed further herein.

Claims 56, 64, 67 and 74-76 are acknowledged as being allowable by the Examiner.

Claims 1-55, 59-63, 66, 68, 72 and 73 stand rejected under 35 U.S.C. §102 and/ or §103. Claims 57, 58, 65 and 69-71 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form.

Claims 43-47 and 68 were canceled in the foregoing amendment.

Claim 48 was amended so as to include the limitations of claim 57 (an objected to claim) and claim 57 was canceled. As claim 48 is the base claim Applicants believe that claim 48 and the claims dependent therefrom (claims 49-55, 59-63) are considered to be in allowable form.

Claims 58, 65, 69 and 70 were each re-written in independent form as suggested by the Examiner.

Claims 1, 22, 33, and 38 were amended to more distinctly claim Applicants' invention and more particularly that the heat transferring device of the present invention is thermally coupled to a rolling-element bearing for a rotating shaft of the apparatus, etc that is generating the un-useable heat energy.

Other claims (e.g., claims 2-6, 8-9) were amended to reflect changes in the language of the base claim (claims 1, 22, 33 and 38).

The amendments to the claims are supported by the originally filed disclosure.

In view of the foregoing Amendments and Applicants remarks in the Office Action dated February , 2004, Applicants respectfully submit that claims 1-42 are distinguishable and patentable over Goldberg et al. and thus are considered to be allowable.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

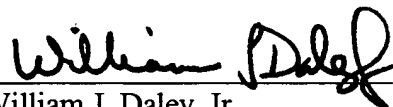
Because the total number of claims and/or the total number of independent claims post amendment now exceed the highest number previously paid for, a check is enclosed herewith for the required additional fees. However, if for any reason a fee is required, a fee paid is inadequate or

Applicant: Woodard, et al.
U.S.S.N.: 09/924, 153
Response to Final Office Action
Page 26 of 26

credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to
charge Deposit Account No. **04-1105**.

Respectfully submitted,
Edwards & Angell, LLP

Date: October 6, 2004

By: 
William J. Daley, Jr.
(Reg. No. 35,487)
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21,874

Bos2_461288.1